

**STATE OF TEXAS §**  
**COUNTIES OF ARANSAS §**  
**SAN PATRICIO AND NUECES §**  
**CITY OF ARANSAS PASS §**

On this the 27<sup>th</sup> day of November, 2006 the City Council of the City of Aransas Pass convened in a Special Called Council Meeting being open to the Public at the regular meeting place thereof in the City Hall and notice of said meeting giving the time, place, date and subject hereof having been posted and prescribed by Chapter 551 of the Texas Government Code with the following attendance to wit constituting a quorum.

**PRESENT:**

	Mayor
	Mayor Pro Tempore
Frank Hametner,	Council Member
Grace Chapa,	Council Member
Tommy Knight,	Council Member

**ABSENT:**

None

**ADMINISTRATIVE  
PERSONNEL PRESENT:**

Scott Thompson,	City Manager
Allen Lawrence,	City Attorney
Ada Owens,	City Secretary

**ADMINISTRATIVE  
PERSONNEL ABSENT:**

None

**STAFF PRESENT:**

Darren Gurley,	Director of Public Works
Frank Truitt,	City Inspector
Gilbert Ritz,	Fire Chief

**OTHERS PRESENT:**

Shirley Howe, Robert Dahle, Laverne Taylor, Rosemary Upton, Patty Gilden, Irene Irey, Ralph & Lu Arcemeont, Jimmie & Gloria Peer, Gary & Darlene Boehnke, Joe Spears, Charlie Marshall, Olivia Torres, Ernie Torres, Abel & May Vasquez, Adan Chapa, Jim & Alpha Covington, Billy Ellis, Diane Flores, Yvonne Stonebraker, Nancy Davis, Elisha Freeze, Randal Freeze, Mike & Gwen Sullinger, Nancy Allen, Colleen Abshire, Manuel Buentello, Karen Gayle, Ralph Gayle, Mary Grumbles, Joyce Chandler, Eva Young, John Gomez, Rachel Gomez, Suzanne Wells, Paula Stone, Raymond Stone, Karen Carson, Belinda Ritz, Jim Alton, Margaret Garrett, Linda Beeker, Dennis Lugg, A. Torres, Polly Mirkovich, Ivah Mircovich, Mary Redmond, Beth Wilson, Duehle & Jayne Falor, Jay Attaway, Cissie Attaway, Christi & Angus Mathews, Naomi Bonorden, Estella Fraga, Earl Buckmaster, Nancy Schoanfeld, Don Schoanfeld, Ed Schleyer, Hope Comingore, Cpt. Fred Comingore, Richard V. Smith

(There may have been others present who did not sign in.)

**ITEM 1. CALL MEETING TO ORDER.**

Council Member Hametner called the meeting to order at 7:00 p.m. on November 27, 2006.

**ITEM 8. CONSIDER AND ACT ON APPOINTMENT OF COUNCIL MEMBER(S) TO FILL VACANCY (VACANCIES).**

Council Member Knight made the motion to appoint Jay Attaway to Council Place 1. Council Member Hametner seconded the motion.

Council Member Chapa objected to the motion stating she wanted to know why she was not informed of the appointment. She stated it was not fair, there was another applicant who submitted a resume.

Council Member Knight again stated the motion to appoint Mr. Jay Attaway to Council Place 1. Council Member Hametner seconded the motion and the motion carried 2 to 1 with Council Member Knight voting yes, Council Member Hametner voting yes and Council Member Chapa voting no.

**ITEM 9.**            **SWEARING IN OF NEWLY APPOINTED COUNCIL MEMBER(S).**

City Attorney Allen Lawrence swore Mr. Jay Attaway in and Council Member Attaway took his seat at Place 1.

Council Member Knight stated he had asked Council Member Attaway some months ago if he would serve, if needed. He stated some of the reasons for asking Council Member Attaway to serve were: he has business experience; recent Council experience; his reputation is beyond reproach; he is smart and trustworthy and will do a very good job on the Council.

Council Member Chapa asked Council Member Knight if he thought it was fair that other applicants were not interviewed.

Council Member Knight stated yes, he thought the City needs to move forward and did not have time. The Charter says December 4<sup>th</sup> (is the deadline for appointing a Council Members to fill vacancies).

Council Member Chapa stated she did not think it was fair.

**ITEM 2.**            **INVOCATION AND PLEDGE OF ALLEGIANCE TO THE UNITED STATES FLAG AND THE TEXAS FLAG.**

Council Member Chapa gave the Invocation.

Council Member Attaway led the Pledge of Allegiance to the United States Flag and the Texas Flag.

**ITEM 3.**            **RECESS REGULAR MEETING AND RETIRE TO EXECUTIVE SESSION PURSUANT TO CHAPTER 551 OF TEXAS GOVERNMENT CODE.**

Recessed into Executive Session at 7:08 p.m.

A.     Section 551.074 – Personnel Matters – City Manager – Deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of City Manager.

**ITEM 4.**            **RECONVENE IN REGULAR MEETING AND CONSIDER AND ACT ON FINDINGS OF EXECUTIVE SESSION.**

Reconvened into Open Session at 7:25 p.m.

A.     Section 551.074 – Personnel Matters – City Manager – Deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of City Manager.

Council Member Knight made the motion to terminate City Manager Scott Thompson effective immediately and appoint Mr. Mike Sullinger as Interim City Manager. Council Member Chapa seconded the motion and the motion was approved unanimously.

Mr. Thompson stated he had no comment and it had been a pleasure working with everyone, after which he left the building.

Mr. Mike Sullinger then took his seat as Interim City Manager and stated he appreciated the opportunity to serve as Interim City Manager again and would do his best. He stated he had no ill will against anyone and wants the City to get going again. He stated if anyone has anything that can help, his door will be open for any ideas.

**ITEM 5. CITIZEN'S COMMENTS.**

Ms. Margaret Garrett thanked everyone for being at the meeting. She stated the City had to go forward, stay out of the courtroom and stop meeting every other night.

**ITEM 6. CONSENT AGENDA – “All of the Following items on the Consent Agenda are considered to be routine by the City Council and will be enacted with one motion. There will be no separate discussion of these items unless a Council Member so requests. If discussion is desired that item will be removed from the Consent Agenda and will be considered separately”.**

**A. Approval of the Minutes of the Special Meeting of October 30, 2006 and November 3, 2006.**

**B. Approval of Resolution 2006-574 – Order Declaring Results of Special Election.**

Council Member Chapa stated she wanted to discuss Item B. She had reservation about the Resolution declaring the results of the election and due to pending litigation she wanted to table this item.

Council Member Knight asked what litigation?

Council Member Chapa stated the motion for summary judgment that the judge allowed.

City Attorney Allen Lawrence stated there was no motion for summary judgment. No one had sent him one. The Judge has denied the request for a restraining order and authorized the City to proceed with its business.

Council Member Chapa stated she would also like to know why Council Member Hametner instructed the City Secretary not to inform her about the canvassing. She stated he denied her right to participate.

Council Member Hametner stated he did not instruct the City Secretary not to inform Council Member Chapa about the canvass.

Council Member Chapa asked the City Secretary if that was what she had been told in Rockport in front of Council Member Knight.

The City Secretary stated yes, she apologized, at that time she remembered it as Council Member Hametner talking to her about the incident, but was mistaken.

Council Member Knight made the motion to approve the Consent Agenda items A & B as presented. Council Member Attaway seconded the motion and the motion carried with Council Members Knight, Hametner and Attaway voting yes and Council Member Chapa voting no.

**ITEM 7. CONSIDER AND ACT ON DESIGNATING MAYOR AND MAYOR PRO TEMPORE.**

Council Member Hametner asked the Council's opinion on having just a Mayor Pro Tempore at this time. The consensus was that a Mayor was needed.

Council Member Knight nominated Council Member Hametner for Mayor. Council Member Hametner stated he would accept the nomination to serve as Mayor until the May 2007 election. Council Member Attaway seconded the motion and the motion carried 3 to 1 with Council Members Knight, Attaway and Hametner voting yes and Council Member Chapa voting no.

Mayor Hametner nominated Council Member Knight as Mayor Pro Tempore. Council Member Attaway seconded the motion and the motion carried 3 to 1 with Mayor Hametner, Council Members Knight and Attaway voting yes and Council Member Chapa voting no.

**ITEM 10.**      **PRESENTATION OF CERTIFICATE OF ELECTION.**

The City Secretary asked that this item be canceled because it was unnecessary.

**ITEM 11.**      **APPROVAL OF ORDINANCE 2006-3908 PROVIDING DATE AND TIME OF SPECIAL ELECTION, PROVIDING PLACE AND PRECINCT NUMBERS WHERE ELECTION IS TO BE HELD, PROVIDING RATE OF PAY PER HOUR FOR JUDGES AND CLERKS, AND PROVIDING DATE AND TIME OF EARLY VOTING.**

The City Attorney explained that there was no quorum for the November 20, 2006 meeting and this item was on that agenda. He stated he received a conference call from Judge Shannon of San Antonio and the other attorneys involved (in the recall election litigation) and Judge Shannon ordered the City Secretary to proceed with the election and the Council to proceed with the City's business on the agenda. The City Secretary had posted notices and other obligatory steps for the election. The City Attorney recommended the Council proceed with this item.

Council Member Chapa asked what was the latest time to adopt this Ordinance?

The City Attorney stated probably tonight, he did not see any reason to wait. He then asked the City Secretary when the notice was to be posted.

The City Secretary stated about 30 days ago, but because of the court order (ordering the election) the notice was posted as soon as possible.

Mayor Pro Tempore Knight made the motion to adopt Ordinance 2006-3908 providing date and time of Special Election, providing place and precinct numbers where election is to be held, providing rate of pay per hour for Judges and Clerks, and providing date and time of Early Voting. Council Member Jay Attaway seconded the motion and the motion carried 3 to 1 with Mayor Hametner, Mayor Pro Tempore Knight and Council Member Attaway voting yes and Council Member Chapa voting no.

**ITEM 12.**      **CONSIDER AND ACT ON A RESOLUTION OF SUPPORT FOR PROPOSED SAN PATRICIO COUNTY 2007-2008 TEXAS COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) ASSISTANCE UNDER THE COLONIA FUND FOR MUNICIPAL WATER SERVICE EXTENSION IN THE FARM ROAD 1069 AREA, PART OF THE FALMAN SUBDIVISION.**

Public Works Director Darren Gurley stated this was phase four of a four phase construction project to put utilities in the Marshall Lane/Oak Lane area which is a San Patricio County project with the City supporting the County by waiving the tap fees and inspection permits for the residents that will connect to the utility lines. The City will take possession of the utility lines and furnish water and sewer to the area. The grant for this phase is \$500,00.00.

Council Member Attaway moved to adopt the Resolution of support for proposed San Patricio County 2007-2008 Texas Community Development Block Grant under the Colonia Fund for municipal water service extension in the Farm Road 1069 area, part of

the Falman Subdivision. The motion was seconded by Mayor Pro Tempore Knight and the motion carried unanimously.

**ITEM 13. CONSIDER AND ACT ON AUTHORIZING MAYOR TO SIGN TEXAS CDBG PROJECT AGREEMENT WITH SAN PATRICIO COUNTY TO FACILITATE PROJECT COORDINATION AND TRANSFER OF IMPROVEMENTS RELATED TO THE PROPOSED SAN PATRICIO COUNTY 2007-2008 TEXAS COMMUNITY DEVELOPMENT BLOCK GRANT ASSISTANCE UNDER THE COLONIA FUND..**

Ms. Betty Collier with Grantworks stated the State requires the City have an agreement with the County stating the City will take over the utility lines and maintain the system.

Council Member Chapa made the motion to authorize the Mayor to sign Texas CDBG Project Agreement with San Patricio County to facilitate project coordination and transfer of improvements related to the proposed San Patricio County 2007-2008 Texas Community Development Block Grant assistance under the Colonia Fund. Council Member Attaway seconded the motion and the motion carried unanimously.

**ITEM 14. CONSIDER AND ACT ON RECOMMENDATION OF CHIEF OF POLICE DARRELL JONES TO ACCEPT THE BID OF COMMERCIAL MOTORS FOR THE PURCHASE OF TWO FORD CROWN VICTORIA POLICE INTERCEPTOR VEHICLES..**

Mayor Pro Tempore Knight recused himself on this item because he is employed by Commercial Motors.

Council Member Attaway made the motion to accept the bid of Commercial Motors for the purchase of two Ford Crown Victoria Police Interceptor vehicles. Council Member Chapa seconded the motion and the motion carried unanimously with the exception of Mayor Pro Tempore Knight who abstained.

**ITEM 15. CONSIDER AND ACT ON RESOLUTION 2006-\_\_\_\_\_, A REQUEST OF AEP TEXAS CENTRAL COMPANY FOR AUTHORITY TO CHANGE RATES..**

Mr. Patrick King with AEP Texas Central Company stated he was before the Council to discuss a rate case that was filed November 9, 2006 with the Public Utilities Commission (PUC) to increase the utility rate on an average customer usage of 1,000 kilowatt hours per month approximately \$4.17. Senate Bill 7 in the Texas State Legislature had the utility companies divide themselves into three separate components. One of the components was Generation, the wire company and the retail electric provider which is AEP. AEP has asked the PUC to transfer that cost to the electric retail provider but AEP has not heard if PUC will transfer that cost to the public. AEP is asking for the rate increase because since deregulation their rate of return has been relatively flat, approximately 2% of the rate of return on their investment. AEP wants to continue to provide reliable infrastructure, installation, and repair service to the citizens and is asking that the increase be past along to the retail electric providers.

Mr. King stated AEP was not asking for the authority to change the rates, but to adopt a resolution to continue with their present rates. This resolution will automatically put this decision in the PUC's hands to decide and implement the rates to all communities in Texas.

Mr. King stated Item 16 (on the agenda) would do the same for the City, it will eventually end up at the PUC, however under that resolution the City would have to act within 90 days to make another decision whereas this resolution will automatically take the request to the PUC.

Council Member Jay Attaway made the motion to approve the request from AEP Texas Central Company. The motion was seconded by Mayor Pro Tempore Knight and the motion carried unanimously.

**ITEM 16.**        **CONSIDER AND ACT ON RESOLUTION 2006 - \_\_\_\_\_, SUSPENDING THE EFFECTIVE DATE OF AEP TEXAS CENTRAL COMPANY'S REQUESTED RATE CHANGES TO PERMIT THE CITY TIME TO STUDY THE REQUEST AND TO ESTABLISH REASONABLE RATES; APPROVING COOPERATION WITH OTHER CITIES WITHIN AEP TEXAS CENTRAL COMPANY'S SERVICE TERRITORY; AUTHORIZING INTERVENTION IN THE PROCEEDING AT THE PUBLIC UTILITY COMMISSION; RETAINING COUNSEL TO REPRESENT THE CITY; REQUIRING REIMBURSEMENT OF CITIES' RATE CASE EXPENSES; REQUIRING NOTICE OF THIS RESOLUTION TO THE COMPANY.**

There was no action on this item.

**ITEM 17.**        **ADJOURNMENT OF MEETING.**

Before adjournment of the meeting Mayor Hametner thanked the Council for their trust in making him Mayor and stated that he did not intend to run for Mayor in May 2007

Mayor Pro Tempore Knight stated it had been said the members of the Council had been dealing with harbor developers. He stated he had talked to no one about any developing the harbor other than a few people in the audience. The City needs to start clean-up of the harbor immediately. Mayor Pro Tempore Knight then asked the City Manager to check with government agencies for help in cleaning the harbor.

Council Member Chapa asked Mayor Pro Tempore Knight why he had stated that Mayor Hametner wanted Marinas International (to develop the harbor)?

Mayor Pro Tempore Knight responded that he had heard Mayor Hametner stated that at times in the past. He stated he had never really read Marinas International proposal. He had seen it and thumbed through it. He would like to look at any proposal for the Harbor as long as there is a maximum return to the City of Aransas Pass.

Mayor Hametner stated he had not talked to anyone, including Marinas International about any development in Conn Brown Harbor. After reading it, he thought Marina International had the best proposal, but due to circumstances, Marina International's presentation was not heard by the Council.

Mayor Hametner adjourned the meeting at 8:21 p.m.

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Frank C. Hametner, Mayor

ATTEST:

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Ada Owens, City Secretary